

REMARKS

1. Summary of the Office Action

In the final Office Action mailed September 11, 2008, claims 21-40 were pending. These claims were rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent No. 6,337,858 (Petty).

2. Status of the Claims

Applicant has cancelled claims 22 and 38, and has amended various claims amongst the remaining pending claims. Additionally, applicant has added new claims 41 and 42. These new claims are supported on pages 17, 18, 23, and generally throughout Applicant's Specification. No new matter has been added in the new claims, or in any other claims. As a result, claims 21, 23-37, and 39-42 are currently pending. Claims 21 and 36 are independent and the other pending claims are dependent.

3. Response to § 102(e) Rejections

As stated above, the Office Action has rejected claims 21-40 as being anticipated by Petty. However, Petty does not teach each and every element of independent claims 21 and 36 as amended. Therefore, Applicant submits that these claims are allowable over Petty.

Petty teaches a click-to-call system in which a consumer, browsing a web site, can click on part of the web site and be automatically connected to a person associated with the web site. For instance, the consumer may click on a customer service icon to initiate the connection. This connection is established in two legs by a computer-controlled switch. The switch establishes a voice call leg to the consumer and another voice call leg to a customer service representative. Then, the switch bridges these two call legs together, thereby establishing a voice call between the consumer and the customer service representative.

In contrast to Petty, claims 21 and 36 recite, *inter alia*, a switching fabric with a first, second, third and fourth ports. Each of these ports contains logically distinct voice data and control sections. A computer apparatus controls the switching fabric via the first port's control section and second port's control section, allowing a bridging circuit to connect the first port's voice data section to the second port's voice data section. Both sections of the third port connect to a first peripheral apparatus and both sections of the fourth port connect to a second peripheral apparatus. So arranged, the switching fabric can connect the first peripheral apparatus to the second peripheral apparatus.

The Office Action states that Petty anticipates the use of a control section and a voice data section by disclosing that control messages are exchanged to establish a voice over IP call before the voice data section is used between the endpoints. However, the mere use of control messaging by a communications device does not imply that the device has divided a port into a logically separate control section and a voice data section, as is recited in Applicant's claims. However, claims 21 and 36 explicitly recite that each of the first, second, third, and fourth ports have logically distinct control and voice data sections.

Furthermore, the Office Action fails to establish that Petty discloses a switching fabric with a first, second, third, and fourth ports, all with logically separate control and voice data sections, arranged as in Applicant's claims. (E.g., these elements arranged to connect a first peripheral device connected to the third port to a second peripheral device connected to the fourth port.)

Accordingly, Applicant submits that Petty does not teach each and every element of independent claims 21 and 36, and that these claims are allowable for at least this reason.

Furthermore, without conceding any arguments presenting in the Office Action that were not

addressed herein, Applicant submits that dependent claims 23-35, 37, and 39-40 are allowable for at least the reason that they depend from an allowable claim.

Turning to new claims 41 and 42, these claims are also allowable because they depend from allowable claim 21, but also because they recite elements not disclosed by Petty. In the case of claim 41, Petty does not disclose a computer apparatus controlling the bridging circuit based on at least one of a time of day, a day of a week, and a calling party. In the case of claim 42, Petty does not disclose a computer apparatus receiving a signal from a device associated with the first connection, and responsively commanding the first switching fabric disconnecting the first connection from the second connection and bridging the first connection with a third connection, wherein the third connection is also supported by the first switching fabric.

Accordingly, Applicant requests favorable review and allowance of claims 41 and 42.

4. Applicant's Remarks Filed on June 16, 2008

In Applicant's June 16, 2008 response to the Office Action mailed December 28, 2007, Applicant incorrectly referred to Applicant's invention as being limited to switch fabrics contained within the publically-switched telephone network (PSTN) and that the computer apparatus was external to the switching environment. This interpretation of Applicant's invention is erroneous, and Applicant retracts these statements.

The Office Action mailed September 11, 2008, corrected Applicant's erroneous interpretation of the invention. On page 5, the Office Action stated that Applicant's Specification, "does not limit the telecommunications network to only the PSTN." The Office Action stated further that, "there is no requirement in [Applicant's] claims that the computer apparatus be located external to the PSTN." Applicant fully agrees with both statements.

Additionally, paragraph 00044 Applicant's Specification states the following.

The telecom network 1 basically represents a PSTN network, but any telecom network having switches, including soft switches may apply. The network 1 may also include switch fabric and radio base stations for mobile telecommunication services like GSM or any other way of mobile telecommunication. Furthermore, the network 1 may also include voice gateways acting as switching interfaces between a telecom network and for example an IP network (Voice-Over-IP).

Clearly, Applicant's invention necessarily includes "any telecom network having switches" within the scope of Applicant's invention. Thus, the scope of Applicant's invention extends to packet-switched telecom networks, such as the Internet.

Accordingly, Applicant hereby retracts any and all remarks made otherwise in the June 16, 2008 response.

5. Conclusion

In view of the foregoing, Applicants respectfully request favorable reconsideration and allowance of all pending claims. Should the Examiner wish to discuss this case with the undersigned, the Examiner is invited to call the undersigned at (312) 913-3361.

Respectfully submitted,

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